IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7261 of 2005

Between:

1 Bommu Sujath, W/o. B. Krishna Reddy,
R/o. Gollapalle Village, B. Mattam Mandal, Somireddy Palle (Post), Cuddapah District.
2 Bommu Bharathi, W/o. Chinna Subba Reddy,
R/o. Gollapalle Village, B. Mattam Mandal, Somireddy Palle (Post), Cuddapah District.
3 Bommu Savithri, W/o. B. Pedda Subbi Reddy,
R/o. Gollapalle Village, B. Mattam Mandal, Somireddy Palle (Post), Cuddapah District.
4 Bommu Venkatamma, W/o. B. Chinna Subba Reddy,
R/o. Gollapalle Village, B. Mattam Mandal, Somireddy Palle (Post), Cuddapah District.
5 Sanam Subbarathanamma, W/o. S. Venkataramana Reddy,
R/o. G. Narasimhapuram Village, B. Mattam Mandal, Cuddapah District.

..... PETITIONERS

AND

1 The Govt of A.P., rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2 The District Collector, Cuddapah District, Cuddapah.
3 The Revenue Divisional Officer, Rajampet, Cuddapah District.
4 The Mandal Revenue Officer, B. Mattam, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 4th respondent M.R.O. Issuing the Impugned Show cause notice dt. 7.3.2005 in Reference No.B/47/2005, for

cancellation of the pattas of the petitioners is illegal, arbitrary, irregular, baseless and without jurisdiction, consequently set aside the same as without jurisdiction, and pass such other order or orders.

Counsel for the Petitioner : MR. SUDARSHAN REDDY DUDDUGUNTA

Counsel for the Respondents : GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.7261 OF 2005

ORDER:

The petitioners five in number seek a Writ of Mandamus declaring the action of the 4th respondent – Mandal Revenue Officer in issuing the show-cause notices dated 7-3-2005 as arbitrary, illegal and without jurisdiction.

The petitioners claim to be the landless poor persons and they were granted D-form pattas dated 30-12-2001 to an extent of Ac.1.50 cents each situated in Sy.Nos.594 and 595 of Diguva Nelaturu village, B.Mattam Mandal, Kadapa District. All the petitioners were served with impugned notices dated 7-3-2005 issued by the 4th respondent – Mandal Revenue Officer alleging that they failed to bring the land under cultivation within a period of three years from the date of grant of pattas as required under the conditions of the patta and therefore calling upon them to show-cause as to why the assignment shall not be cancelled under the Board Standing Order 15 (B.S.O.) or G.O.Ms.No.1142, dated 14-06-1954. The explanation was required to be submitted within 7 days from the date of receipt of the said notice. The said notices are under challenge in this writ petition contending that under para 12 (3) of B.S.O.15 the Tahsildar and the Deputy Tahsildar in the independent charge are the Assigning Authorities who are competent to order resumption in case of breach of conditions of grant. Therefore, the 4th respondent has no power or jurisdiction to issue the impugned notices. It is also alleged that though the petitioners wanted to submit their explanations, the 4th respondent refused to receive the same and on the other hand threatening to dispossess the petitioners

from the lands in question. Hence, this writ petition.

The learned Counsel for the petitioners in support of his contention relied upon a decision of this Court in A.GOVINDARAJULU v. STATE OF A.P..

I have heard the learned Counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents and perused the material on record.

The question whether the Mandal Revenue Officer was competent to cancel the pattas did not arise for consideration in A.GOVINDARAJULU'S case (1 supra) and the ratio laid down in the said case has no application at all to the case on hand.

As rightly pointed out by the learned Government Pleader the pattas in question were issued by the Mandal Revenue Officer himself and being the Assigning Authority it is well within his power to initiate proceedings for cancellation of the same on the ground of alleged violation of the conditions of grant. No other statutory provision has been pointed out by the learned Counsel for the petitioners to show that the impugned notices issued by the 4th respondent are without jurisdiction.

The writ petition is devoid of any merit. Since the impugned notices are admittedly show-cause notices, it is always open to the petitioners to submit the appropriate explanation raising all the objections as available under law. Accordingly, the Writ Petition is disposed of granting liberty to the petitioners to submit their explanations within a period of two weeks from today. If any such explanations are received within the time specified above, the 4th respondent shall consider the same and pass appropriate orders in accordance with law and the same shall be communicated to the petitioners. Till such time, the petitioners shall not be dispossessed from the lands in question.

The Writ Petition is accordingly disposed of. No costs.

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06th April, 2005.

gbs

To

1 The Principal Secretary, Govt of A.P., Revenue Department, Secretariat, Hyderabad.
2 The District Collector, Cuddapah District, Cuddapah.
3 The Revenue Divisional Officer, Rajampet, Cuddapah District.
4 The Mandal Revenue Officer, B. Mattam, Cuddapah District.

5 Two CCs to G.P. for Revenue, High Court of AP Bldgs, Hyderabad (OUT).

6. Two CD copies.